

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

TRUSTEE’S OBJECTION TO MOTION FILED BY CHARLES JOECKS

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, files her objection to the *Motion Filed by Charles Joecks* (the “Motion”) [Doc 2228] filed by Charles Joecks (“Mr. Joecks”) on the following grounds:

1. On November 20, 2017, Mr. Joecks filed the Motion. It is unclear from the Motion the exact relief Mr. Joecks is seeking, however the Trustee interprets the Motion as requesting that Mr. Joecks’ claim be paid and the Trustee and/or the Court reverse any negative credit bureau reporting as a result of Mr. Joecks’ failure to pay his federal and private loans associated with his tenure at ITT Technical Institute located in Greenfield, WI.

2. After the January 30, 2017 claims bar date, Mr. Joecks filed a proof of claim on March 2, 2017, asserting a claim in the amount of \$37,356.00. [Claim No. 2998.] Mr. Joecks lists the basis for his claim as “student loans, federal and private.” Mr. Joecks failed to attach any supporting documentation to his claim.

3. The Trustee objects to the allowance of any unsecured claim at this point the case, including the claim filed by Mr. Joecks. Until a determination is made regarding whether a distribution will be made to unsecured creditors, the Trustee objects to any attempt to force her to engage in a claim objection process on an *ad hoc* basis. Currently, the Trustee is focusing her

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

efforts and the resources of the estate on the liquidation of assets, including but not limited to, the sale of the remaining real estate and pursuing causes of action on behalf of the Affiliated Debtors' bankruptcy estates.

4. Moreover, settlement negotiations with the putative class of former ITT students are ongoing and the Trustee anticipates filing a motion for approval of the settlement in the near future. The claim filed by Mr. Joecks, if he elects to be included in the student class, will be administered pursuant to the settlement as approved by the Court, and will not be administered on an individual basis. Thus, the treatment of Mr. Joecks' claim is not ripe for determination at this time.

5. The Trustee further objects to Mr. Joecks' request that the Trustee and/or the Court reverse any negative credit bureau reporting as a result of Mr. Joecks' failure to pay his federal and private loans associated with his tenure at ITT Technical Institute located in Greenfield, WI. First, there is no authority under the Bankruptcy Code for the Trustee to take such action. Second, the Trustee has not participated in any credit reporting and therefore is not an appropriate party from which to obtain such relief.

WHEREFORE, the Trustee requests that the Motion be denied and for all other just and proper relief.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ John C. Hoard

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2018, a copy of the foregoing *Trustee's Objection to Motion Filed by Charles Joecks* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on January 3, 2018, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Trustee's Objection to Motion Filed by Charles Joecks* was emailed to the following:

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I further certify that on January 3, 2018, a copy of the foregoing *Trustee's Objection to Motion Filed by Charles Joecks* was mailed by overnight mail and properly address to the following:

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/s/ John C. Hoard
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